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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-321

12 **KAREN KAY HATTON**
13 **1316 E. Princeton**
Fresno, California 93704
14 **Registered Nurse License No. 438655**

A C C U S A T I O N

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about March 31, 1989, the Board issued Registered Nurse License Number
24 438655 to Karen Kay Hatton ("Respondent"). The registered nurse license was in full force and
25 effect at all times relevant to the charges brought herein and will expire on October 31, 2010,
26 unless renewed.

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STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct. . . .

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 8. **Drugs**

2 **"Percocet"** is a brand of oxycodone and is a Schedule II controlled substance as designated
3 by Health and Safety Code section 11055, subdivision (b)(1)(N) and a dangerous drug pursuant to
4 Code section 4022 in that under federal or state law it requires a prescription.

5 **"Ultram"** is a brand of tramadol hydrochloride and dangerous drug pursuant to Code
6 section 4022 in that under federal or state law it requires a prescription.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Possessed a Controlled Substance in Violation of Law;
9 Self-Administered a Controlled Substance)**

10 9. Respondent is subject to disciplinary action pursuant to Code section 2761,
11 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
12 subdivision (a), in that Respondent committed the following acts:

13 a. On or about June 11, 2007, Respondent possessed the controlled substance
14 Oxycodone in violation of Code section 4060.

15 b. On or about June 11, 2007, Respondent self-administered the controlled substance
16 Oxycodone without lawful authority.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Used a Controlled Substance to an Extent or in a Manner Dangerous or Injurious)**

19 10. Respondent is subject to disciplinary action pursuant to Code section 2761,
20 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
21 subdivision (b), in that on or about June 11, 2007, while licensed as a registered nurse at Kaiser
22 Permanente Fresno Medical Center, Fresno, California, Respondent used the controlled substance
23 Oxycodone to an extent, or in a manner dangerous or injurious to herself or others. Such conduct
24 is evidenced by the drug screening performed by Kaiser Medical Center after Respondent
25 reported for duty while under the influence of the controlled substance Oxycodone.

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1 FACTORS IN AGGRAVATION

2 11. On or about July 20, 2007, Respondent enrolled in Maximus, a Board of Registered
3 Nursing Diversion Program; however, on October 31, 2007, Respondent was terminated from the
4 program due to two positive drug screenings. The drug screenings dated October 16, 2007, and
5 October 24, 2007, were both positive for Tramadol, a dangerous drug.

6 PRAYER

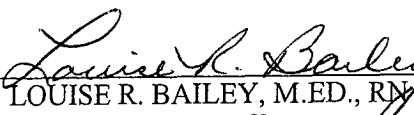
7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number 438655, issued to Karen
10 Kay Hatton;

11 2. Ordering Karen Kay Hatton to pay the Board of Registered Nursing the reasonable
12 costs of the investigation and enforcement of this case, pursuant to Business and Professions
13 Code section 125.3; and,

14 3. Taking such other and further action as deemed necessary and proper.
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17 DATED: 1/12/10


18 LOUISE R. BAILEY, M.ED., RN
19 Interim Executive Officer
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant
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